

APPROVED: Meeting No. 30-82

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 26-82

June 28, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, June 28, 1982, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman John Tyner, II

ABSENT

Councilwoman Viola Hovsepian

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow; Information Officer Sue M. Patterson; Director of Finance John Lawton; City Clerk Helen Heneghan; Assistant City Manager Daniel Hobbs; Director of Recreation and Parks Ronald Olson; Director of Public Works Robert Goodin; Budget Officer Anna Lee Berman; Director of Planning James M. Davis; Director of Community Development and Housing Assistance Douglas Horne.

Re: City Manager's Report

Mr. Blick reported the following:

1. Permits have been issued for 23 townhouse and single family units in the past month.
2. He distributed a memo to the Council that answered some questions that were raised in the Gaithersburg Gazette article on the Rockville Housing Authority. This was done in an effort to correct any misunderstandings.
3. Mr. Blick congratulated Mr. John Tyner on his election as first Vice President of the Maryland Municipal League at its recent annual meeting in Ocean City.
4. He presented a letter signed by the County Executive and the Mayor to Governor Hughes concerning the interpretation of "public use" when deciding when the debt service should be called on the Maryvale school building.

Re: Appointments

Mayor Freeland made the following appointments. They were confirmed by the Council:

Economic Development Council: Larry Walker - two-year term
2609 Oakenshield Drive

Alternative Community Service Commission: Murray Warner - two-year reappointment
10 Lochness Court

Retirement Board: James Curran - two-year term
Public Works Department

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Senator Sarbanes, response to letter regarding Rollins Post Office
2. Twinbrook Citizens Association, re budget decision
3. Chariman Christeller, re City's CIP
4. National Capital Planning Commission re CIP
5. Richard Haight, re school sites
6. Barry Scher, Giant Foods, re driveway on North Washington Street

Councilman Duncan asked what was being done. The City Manager said he had ~~met~~ with the Giant people and they were noncommittal concerning the driveway construction but he will be getting back to them.

7. Petition from Lincoln Park re intra-city mini-bus system.

Councilman Tyner said he would like an update from the Planning Commission on the entire Ride-on transportation system.

8. Mayor of Norfolk, re Industrial Development Bonds

Mayor Freeland asked the Council's feelings on this legislation. The City Manager said the staff had not analyzed this since the City does not issue industrial bonds but if the Council requests it will be done. Mayor Freeland suggested it be done since Montgomery County may want the City's support.

9. Senator Mathias, re grant for van for the handicapped

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from CDHA re B&O Railroad Station
2. Response to citizen complaint
3. Report on I-370 meeting from Maryland DOT
4. Memo from Assistant City Manager re Minority Racial Representation on City Staff

Councilman Tyner said he is encouraged by this information. He asked the Budget Office if this might be included in the budget documents in the future. Mayor Freeland shared Councilman Tyner's feelings and asked that a copy of this report be shared with the Human Rights Commission.

5. Copy of citizen's thank you to Fire Department
6. Copy of citizen's complaint on sewer backup
7. Memo from Planning Department re Government Employees residing in Rockville
8. Memo from Planning Department re Historic Preservation Plan Amendment
9. Memo from Energy Planner re Safety of Gude Landfill
10. Memo from City Manager re tying into State and County data bases
11. Senior Citizen Center Flyer
12. Follow up letter to Mr. Kilcoyne re complaint at Swim Center
13. Memo from Director of Finance re Retirement Board Member Appointment
14. Memo from Community Resources re Status Report
15. Letter to residents adjacent to Gude Drive project
16. Tentative 12-Month Agenda

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein wished Council Abrams congratulations and good luck with his upcoming political announcement. He brought to the Council's attention the overgrowth of trees and shrubs that is occurring near stop signs causing hazardous traffic situations. He said that over the past two years on the Human Rights Commission he has dealt with the staff of the Community Resources Department. He wondered to what extent the staff has had the freedom of bringing problems to the attention of the City government, based on their anxiety about their employment status. He also asked why the last Mayor and Council did not look into the problems at the Rockville Housing Authority, or listen to the Human Rights Commission complaints. He suggested that maybe a better alertness on the part of the Mayor and Council to these problems in the future would be more suitable.

Mayor Freeland said the situation in the past has been quieter except for the Human Rights Commission report, but the Mayor and Council will do better in the future. He said that anytime a situation needs to be brought up by an

employee, it certainly can be done without a thought of retribution. He would like to put Mr. Silberstein's fears to rest and assure him that no gags are put on City employees.

2. George Pospisil, 915 Crawford Drive. Mr. Pospisil spoke as a representative of the Citizens For Peace and read a letter that the group has written to the Council of Governments concerning the nuclear freeze and asking the Mayor and Council of Rockville to take some action on this subject.

Mayor Freeland thanked Mr. Pospisil.

3. Steve Albershein, Glenora Hills Citizen's Association. Mr. Albershein addressed the item on the Council's agenda later this evening concerning the Potomac Subregion Plan. He asked that the City take a stronger stand and oppose the TDR concept since it will cause overcrowding and a negative traffic impact in the area of Glen Hills at Route 28. He told the Council that the roads are overcrowded at present and this problem will be compounded if more development occurs.

Mayor Freeland thanked Mr. Albershein for his comments and said that they will be considered when the item is considered later.

4. Lisa Taylor, 904 College Parkway. Ms. Taylor thanked the Mayor and Council for its quick action on the signs on College Parkway saying "No Trucks Over one ton."

There being no other citizen wishing to be heard, Mayor Freeland closed that portion of the meeting.

Re: Status Report and
Proposed Action Plan for
the Economics of Amenity
Committee for Improvement
of Rockville Pike

Joseph A. Lynott, Chairman of the Economics of Amenity Committee submitted the report to the Council to supplement the recommended Rockville Pike streetscape plan distributed to the Mayor and Council. He noted that while the present plan was being prepared several properties on the Pike came before the Planning Commission for use permits, and at that time the Planning Commission obtained consent from these owners that the properties were to be

developed in conformance with the streetscape plan. He pointed out that there are properties on the Pike that will not come before the Planning Commission for several years, and it will be the Committee's task to convince these property owners that it is to their interest to improve their properties. The Committee believes this can be done if the landscape improvements are installed by the City with the cost recouped from the property owners by a front foot benefit assessment. He also suggested that once the improvements are installed it will be necessary to maintain them, and a contract be let each year for maintenance which could also be financed through the front foot benefit. He introduced Cyril Paumier of Land Design Research who showed slides to the Council pointing out the four elementary objectives of the plan which are:

- 1) To enhance and beautify the Pike,
- 2) Give it a sense of continuity,
- 3) Upgrade the Pike image, and
- 4) Improve circulation.

The following items are recommended for adoption by the Mayor and Council. The items represent the next steps to be taken to implement the Rockville Pike streetscape enhancement program.

1. Accept the streetscape plan and refer it to the Planning Commission for review and approval prior to final adoption by the Mayor and Council.
2. Instruct staff to commence the detailed planning for intersection and landscaping treatment at the following locations:
 - F. Scott Fitzgerald Park
 - Jefferson Street and Rockville Pike
 - Dodge Street and Rockville Pike
 - First Street and Rockville Pike(Planning funds have been approved in FY 1983-1988 Capital Improvements program for this purpose.)
3. Instruct staff to commence talks with the Maryland State Highway Administration and Montgomery County to secure financial assistance in implementing elements of the plan within their respective jurisdictions.

Councilman Abrams asked if the sign issue were addressed. Mr. Lynott said an amortization of signs would be necessary and the Committee did review the present draft sign ordinance and had some problems with the lack of flexibility. Councilman Tyner asked if Mr. Lynott has considered talking to the Chamber of Commerce about this as a luncheon topic. Mr. Lynott said that might be done in the future, but the program once approved by the Mayor and Council must first be presented to the property owners.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the Mayor and Council accepted and approved the recommendations of the Economics of Amenity Committee.

Mayor Freeland asked that the sign ordinance be brought back for further review and the information be interchanged with all the boards and commissions.

Re: Adoption of Resolution:
To Approve and Authorize
the Execution of a
Closeout Agreement with
the U.S. Department of
Housing and Urban
Development for Rockville's
Entitlement Hold-Harmless
Community Development
Block Grants B-75-HS-24-
0001, B-76-HS-24-0001,
B-77-HS-24-0001, B-78-HS-
24-0001, and B-79-HS-24-0001

Resolution No. 18-82

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Resolution No. 18-82, the full text of which can be found in Resolution Book 7 of the Mayor and Council, approving the closeout agreement with HUD, was adopted by the Mayor and Council.

Re: Approval of Revised Cost
Summaries Reflecting
Actual CDBG Expenditures

In 1975, the City entered into a five year Hold-Harmless Entitlement Program with the U.S. Department of Housing and Urban Development for community development block grant activities. The annual funding level for the hold-harmless period was predetermined by HUD as a result of the City's prior Federal program activities, particularly urban renewal. Annual applications for specific activities were approved by the Mayor and Council and submitted to HUD. A total

Meeting No. 26-82

-7-

June 28, 1982

of \$6,237,000 was provided to the City over the five year period. Of that amount, \$5,901,254 has been expended.

At the request of HUD, the City is now undertaking the execution of a closeout agreement between the City and HUD for the hold-harmless portion of the CDBG Program. Provision for use of the remaining funds are contained in the proposed closeout agreement. In order to close out Rockville's Hold-Harmless CDBG Program, it was necessary to submit to HUD revised cost summaries which reflected actual expenditures of the funds as opposed to the original budgeted costs. These expenditures had previously been audited by the City's independent auditor on an annual basis and accepted by HUD. The revised cost summaries were submitted to HUD March 11, 1982.

Copies of the original HUD approved budgets which were submitted as part of the annual application and the revised cost summaries submitted to HUD March 11 were given to the Mayor and Council.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the Mayor and Council approved the revised cost summaries.

Re: Adoption of Resolution:
To Authorize the City
Manager to Execute
Joinder Agreement to the
ICMA Retirement
Corporation Deferred
Compensation Plan with
any City Employee
Desiring said Plan

Resolution No. 19-82

In early 1980, the Mayor and Council approved the adoption of the U.S. Conference of Mayors Deferred Compensation Plan (PEBSCO) for all City of Rockville employees. The plan permits employees to voluntarily defer a portion of their earnings into a tax sheltered program. The employee does not pay current income taxes on the money deferred nor on the earnings. This was a benefit approved by the Mayor and Council for the employees at no cost to the City. There are presently 63 employees participating in the PEBSCO Deferred Compensation Program.

The ICMA Retirement Corporation Deferred Compensation Plan has been in existence since 1972 with over 1,024 public employers offering the plan to their employees. Over 50% of these jurisdictions permit all of their employees

to participate in the ICMA Deferred Compensation Program. One of the biggest Washington area participants in the ICMA Plan is WMATA which has approximately 180 participants. The ICMA Plan was conceived specifically for public service employees and provides the portability of benefits for those who move among government agencies during their careers. This attractive employee benefit incurs no cost to employers.

Councilman Tyner asked if a report might be given to the Council by the City Manager on any problems the City might have experienced with the PEBSCO. The Assistant City Manager said that most of the problems were informational. Mayor Freeland noted that adoption of the ICMA Plan provides options to the employees.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Resolution No. 19-82, the full text to which can be found in Resolution Book 7 of the Mayor and Council, approving the ICMA Retirement Corporation Plan was adopted by the Mayor and Council.

Re: Referral to Planning
Commission of a Text
Amendment Regulating
Political Signs

A Zoning Text Amendment was filed on behalf of the Mayor and Council. Its purpose is to achieve uniform political signs throughout Montgomery County. Procedure would require that the Mayor and Council at their June 28th meeting refer the proposed text amendment to the Planning Commission if it finds the text amendment to be acceptable for processing. The staff has reviewed the proposed text amendment and believes it to be an improvement upon the existing Zoning and Planning Ordinance and would recommend its speedy processing.

Councilman Tyner asked how this text amendment differs from the MML suggested amendment. Councilman Abrams said the MML Chapter Task Force worked on it, and Rockville and Gaithersburg concurred on the need for a permit for political signs. Councilman Duncan questioned the point of disagreement and if two out of three wanted the permit for political signs, why did the report come forward differently. He suggested that it might be unfair to ask people to come in and get a permit just for the City of Rockville. Councilman Abrams said the staff had suggested the use of the permit as the only method of enforcement. Councilman Duncan noted that since the point of the task force was to have all

Meeting No. 26-82

-9-

June 28, 1982

ordinances in agreement, he opposed Rockville's text amendment if it was in disagreement with that approved by Montgomery County. Councilman Tyner said that he too would be hard pressed to approve something if it disagreed with the other jurisdictions. Mayor Freeland suggested that it be passed on to the Planning Commission with the Council's primary objective of uniformity noted and a suggestion made that the Planning Commission make contacts with the other jurisdictions to see what they were doing.

On motion of Councilman Abrams, duly seconded and passed, only Councilman Duncan dissenting, Mayor Freeland, Councilmembers Abrams and Tyner voting aye the text amendment was referred to the Planning Commission for review and recommendation.

Re: Award of Contract:
 Bid No. 54-82, Garden
 Tractor, Attachments
 and Rotary Mowers

Bids were opened in the Purchasing Office of Rockville City Hall at 2:30 p.m., on May 21, 1982, for one diesel garden tractor with attachments and five 20" rotary mowers. Bids received were:

R.A. Blackburn Equipment Corporation Kensington, Maryland	\$12,706.15
G.L. Cornell (partial bid only) Gaithersburg, Maryland	\$ 2,470.00

The bid was sent out to various equipment dealers; however, the contract office discovered after the bids were opened that there were other companies that could have bid that were not on the mailing list.

While Blackburn's price is very competitive, it is felt that rebidding this equipment would be in the best interests of the City. \$14,300 was budgeted for this equipment in the FY82 Parks Maintenance Category of the budget. Staff recommends that Bid #54-82 be rejected and that the project be rebid as soon as possible.

Councilman Tyner asked how many requests for bid were sent out the first time. Mr. Olson said 12 or so, and it was also put in the Blue and Dodge Reports.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Bid No. 54-82 for Garden Tractor was awarded to R.A. Blackburn Equipment Corporation in the amount of \$12,706.15.

Meeting No. 26-82

-10-

June 28, 1982

Re: Award of Contract:
 Bid No. 57-82, To
 Demolish the Old
 Woolworth Building

Bids to raze the former Woolworth Building located at 9-17 North Washington Street were opened at 11:00 a.m., June 21, 1982. In addition to advertising on two separate dates in the Washington Post, proposals were mailed to sixty-seven (67) contractors. Of the seventeen (17) contractors who picked up specifications, nine (9) submitted bids. These bids are as follows:

<u>Contractor</u>	<u>Lump Sum Bid</u>
1. Fetco, Inc.	\$ 38,000.00
2. J.A. Norman Excavating	52,107.98
3. Ace Wrecking	74,370.00
4. United Rigging and Hauling	97,870.00
5. Misu, Inc.	99,999.00
6. Lee Washington, Inc.	102,000.00
7. F.O. Day	106,250.00
8. Wrecking Corp. of America	110,000.00
9. Anderson Excavating and Wrecking	112,000.00

CDBG funds in the amount of \$65,000 are budgeted for this project. The low bidder, Fetco, Inc. is a Rockville firm. In accordance with the specifications, the qualifications and references submitted by Fetco have been checked and proven to be satisfactory. It is therefore recommended that Fetco, Inc. be awarded the lump sum bid in the amount of \$38,000 for the demolition and site clearance of the former Woolworth Building.

Councilman Tyner asked if there was any explanation for the dissparity in bids. Staff said there is not. Mayor Freeland asked when this might be accomplished. Mr. Horne said it should be done within 30 days of awarding the contract.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, Bid No. 57-82 was awarded to Fetco, Inc. in the amount of \$38,000.00.

Re: Award of Purchase for
 Chemical Root Control
 Agent

In FY 81 the City began Chemical Root Control in sanitary sewers with the effect of reducing root-caused mainline stoppages and lateral stoppages at the mainline connections. Prior to adopting this method of sewer mainenance

the City studied several other communities that had used this process. The root control chemical (called Vapam) has the property of entering the roots and accelerating growth causing the root cells to break down.

Two ways to apply the chemical are either to shut off the mainline and spray the inside of the sewer pipe or to use a foam application while the sewer is in service. All communities that were contacted by the City used the second method (cheaper, no inconvenience to system users). The second method is a patented method with a chemical supplied only by Airrigation Engineering Company, Inc., Carmel Valley, California. Dukes Sales & Service, Inc., Syracuse, New York, is the only distributor for the State of Maryland.

Last year the City advertised for chemical root control by asking contractors to supply the chemical as well as apply it. This year the City can get a better price by separating the application of chemicals from the purchase of chemicals.

At the June 14 meeting, Mayor and Council awarded a low bid to Sewer Speciality Services, Pittsford, New York, at \$0.50 per lineal foot for contract application of sewer chemical (\$13,200 for five miles of work). The Mayor and Council are requested to approve the purchase of 230 gallons of chemicals at \$41.50 per gallon plus \$450 freight charge for a total of \$10,005 from Dukes. The budget provides \$25,000 for both bids.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, it was determined that the supplies or services can be obtained from only one person or firm as noted in Article VII, Section 13.a. (4)(1).

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the City Manager was authorized to purchase 230 gallons of root control chemical from Duke Sales in the amount of \$10,005.

Re: Approval of Comment to
County Council on Final
Draft Amendment to the
Potomac Subregion Plan

The Montgomery County Council will conduct a public hearing on July 1 at 8:00 p.m. on a draft amendment to the Potomac Subregion Plan. The amendment proposes to designate 31 sites here at the Potomac Subregion as suitable receiving areas for transfer of development rights (TDRs).

The Montgomery County Council and the Planning Board have developed the following guidelines for TDRs: 1) The overall pattern of both the base density and the TDR bonus density should be reasonable, with the latter not exceeding the carrying capacity of the general area; 2) That areas shown for a bonus density under the TDR provisions should generally be designated separately from areas shown for a bonus density under the Planned Development Zone provisions.

As a result, recommended TDR densities are generally based on the nearest comparable Euclidean Zone. Thus, TDR-1 would be recommended for property zoned RE-1, TDR-2 for R-200 property, TDR-3 for R-150 property.

For the Potomac Subregion area, all of the sites recommended are undeveloped or uncommitted. They total 4,272 acres and could yield 3,497 TDR units. However, due to the difficulty of developing to the maximum extent, the topographic constraints and the environmental constraints of the sites selected, it is expected that fewer than 3,497 units will actually be constructed.

On March 31, 1982, the Planning Commission reviewed the Preliminary Draft of this amendment and forwarded a letter to the Chairman of the Montgomery County Planning Board indicating that the Commission had no recommendation on the amendment because no increase in density was proposed for the areas near Rockville.

James M. Davis, Director of Planning, addressed the Council and explained the TDR's and the net effect which is down zoning if implemented. He answered Councilman Abrams' question by explaining that the intent of the TDRs is to make the development rights transfer a permanent arrangement. Councilman Tyner asked if the Council should reiterate concerns about the realignment of Route 28. Mr. Davis said that the City's concerns were sustained by the County Council a few months ago. The Council agreed that the letter would be sent, but the Adequate Public Facilities Ordinance should be referred to. Councilman Tyner suggested that in addition to that, the realignment of Route 28 should be referenced. He also asked that more clarification be put in the third paragraph. Mayor Freeland agreed and said the traffic on Route 28 should be mentioned and there should be more elaboration in the last paragraph for a tie-in with specific future actions at this

Meeting No. 26-82

-13-

June 28, 1982

location in ample time. Councilman Tyner asked that a copy of the letter when completed be sent to the Glenora Hills Civic Association along with the backup materials.

Re: New Business

Resolution No. 20-82

1. Because Montgomery County Council adopted a Refuse Disposal Tipping fee of \$31.00 effective August 1, 1982, less than the County Executive's recommended rate of \$36.50 per ton, the City is able to reduce its rate by \$0.52 per month.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Resolution No. 20-82 amending Resolution No. 16-82, and readjusting the refuse rate, was adopted by the Mayor and Council.

2. Councilman Abrams asked that there be a future agenda item on an additional fee to the architect who worked on City Hall that would include cost or fee data. He said he could recognize the need for an additional payment to the architect as suggested by the Assistant City Manager, but suggests that an increase should not be based on a contrived formula, but it should be an equitable arrangement.

3. The City Manager referred to the Council a memo suggesting that since the traffic lights at Dawson Avenue should be in place in December, or at the latest January 1983, the \$6,000 cost of the refuge island could be avoided. Councilman Duncan asked that this be put on the next agenda. Mayor Freeland agreed.

4. Councilman Abrams said speeding on Monroe Street in the North Farm Subdivision is still a problem. He asked that it be referred to the Police.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the meeting was closed for executive session to discuss property disposition, litigation, and personnel.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 11:22 p.m. to convene again in general session on Monday, July 12, 1982, at 8:00 p.m. or at the call of the Mayor.